

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

GARY LEWIS KEYS,)	
)	
Petitioner,)	
)	
v.)	CV425-029
)	
DESHAWN JONES,)	
)	
Respondent.)	

ORDER

Gary Lewis Keys has filed a 28 U.S.C. § 2254 Petition challenging a 2017 conviction in Gwinnett County, Georgia. *See* doc. 1 at 2-3. He has also moved to proceed *in forma pauperis*. Doc. 2. As explained below, this Court is not the proper venue for his Petition. The Court will, therefore, transfer it. Further proceedings concerning Keys' Motion, including whether to grant leave to proceed *in forma pauperis*, will be addressed by the transferee court.

Federal law allows § 2254 petitions to be filed in the district within which the petitioner was convicted or in the district within which he is confined. 28 U.S.C. § 2241(d); *Wright v. Indiana*, 263 F. App'x 794, 795

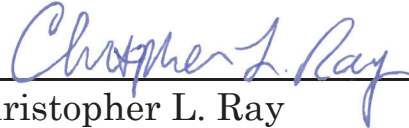
(11th Cir. 2008). Keys' Petition indicates that he is incarcerated at Augusta State Medical Prison. Doc. 1 at 1. It further reveals that he was convicted in Gwinnett County, Georgia. *Id.* at 2. Thus, this Court has jurisdiction over the petition.¹ Nevertheless, it is a longstanding judicial policy and practice to funnel such petitions into the district within which the state prisoner was convicted, since that will be the most convenient forum. *Eagle v. Linahan*, 279 F.3d 926, 933 n. 9 (11th Cir. 2001); *see also Mitchell v. Henderson*, 432 F.2d 435, 436 (5th Cir. 1970); *Wright*, 263 F. App'x at 795. That practice also fosters an equitable distribution of habeas cases between the districts. Gwinnett County lies in the Northern District of Georgia. *See* 28 U.S.C. § 90(a)(2). Accordingly, this case is **TRANSFERRED** to the United States District Court for the Northern District of Georgia for all further proceedings. *See* 28 U.S.C. § 1404(a) (permitting a district court to transfer any civil action to another district or division where it may have been brought for

¹ Augusta State Medical Prison is located in this Court's Augusta Division. *See* 28 U.S.C. § 90(c)(1). Since this Order transfers the case to the Northern District of Georgia, whether it was filed in the proper division within the Southern District is moot.

the convenience of parties and witnesses and in the interest of justice);

Rufus v. Kemp, 2013 WL 2659983 at * 1 (S.D. Ga. June 12, 2013).

SO ORDERED, this 6th day of February, 2025.



Christopher L. Ray
United States Magistrate Judge
Southern District of Georgia